

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**DANIEL L. THOMPSON,
Plaintiff,**

v.

**ANDREW PALLITO, PRISON HEALTH
CARE STAFF AT CCCC, SHANA,
MULTIPLE UNKNOWN VERMONT
DEPARTMENT OF CORRECTIONS
OFFICERS AT CCCC, GREG HALE,
PRISON HEALTH CARE STAFF AT CCCC,
Defendants.**

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File No. 1:12-cv-225-jgm-jmc

ORDER

The Magistrate Judge's Report and Recommendation was filed April 30, 2013. (Doc. 39.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants Andrew Pallito, Greg Hale and Shana's Motion to Dismiss (Doc. 29) is GRANTED.

The Vermont Attorney General's Office is ORDERED to release forthwith to Plaintiff all reports regarding his medical treatment, and to assist him in ascertaining the identities of all individuals involved in his medical treatment for the period September 2009 to June 2010, providing current address(es) where these individuals can be served. The Attorney General's Office need not undertake to defend or indemnify these individuals at this juncture. Such assistance shall be rendered within 30 days of this Order.

If the information cannot be provided, the Attorney General's Office shall submit a detailed explanation of why it has been unable to do so, specifically identifying what

steps it has taken to acquire the information in question. If the information is provided to Plaintiff, he may file a Second Amended Complaint naming those individuals he intends to sue no later than 30 days following receipt of the identifying information. Thompson's failure to comply with this deadline may result in the dismissal of his entire Amended Complaint pursuant to Fed. R. Civ. P. 41.

Plaintiff's "Motion for Admission of Undisputed Facts from Party Opponents" (Doc. 30) is DENIED. All motions filed prior to the Amended Complaint (Docs. 13, 14, 15, 19, 21, 24) are DENIED as moot. Plaintiff's Motion to Appoint Counsel (Doc. 38) is DENIED without prejudice, and his Motion for Default Judgment (Doc. 38) is DENIED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 29th day of May, 2013.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge